



*Issue Brief 2017*  
**Home Rule District Authority**

**Background and History:** A Home Rule framework for decision-making starts with the assumption that local leaders, closest to students and communities, will make the best decisions for their schools. This is in contrast to Iowa's current system of Dillon's Rule, which states that schools can only do what is expressly authorized in state law. Dillon's Rule is based on a court case in 1868, in the Iowa Supreme Court. Iowa cities and counties were granted home rule via Iowa constitutional amendment (municipalities in 1968 with the 25<sup>th</sup> amendment and counties via the 37<sup>th</sup> amendment in 1978.) Both of those amendments specifically excluded taxing authority, which remains heavily regulated by the State. Additional background on change to home rule for Iowa is found in the Legislative Guide to Iowa Local Government Initiative and Referendum, LSA, December 2008, found [here](#).

Such flexibility has not yet been extended to Iowa school districts, although for many other purposes of statutory interpretation, school districts are considered to be municipalities. Either a constitutional amendment or legislation granting Home Rule authority would not eliminate any current laws, but would grant flexibility in the areas not written. School districts would still be required to follow laws that prescribe their actions as well as avoid actions prohibited in law.

**Why do school leaders support Home Rule?**

- School districts are called upon to deliver results, but often cannot exercise local authority to implement new practices, update processes, or think creatively.
- If a school takes an unacceptable action in a home rule environment, the legislature may later prohibit it.
- Recent examples involve the need to change Iowa law to allow districts to make electronic payments rather than "stamp warrants" or consider a bus motor as "transportation equipment" for physical plant and equipment levy uses.
- Transition to home rule need not be cumbersome. The state of Kansas moved to statutory home rule for schools in 2003, without court challenge since.

Decision-makers closest to communities are in the best position to make decisions benefiting students in those communities. What Alexander Hamilton explained 1787 holds true today: "It is a known fact in human nature that its affections are commonly weak in proportion to the distance or diffusiveness of the object. Upon the same principle that a man is more attached to his family than to his neighborhood, to his neighborhood than to the community at large, the people of each State would be apt to feel a stronger bias towards their local governments than towards the government of the Union;" [Federalist, no. 17 Federal v. Consolidated](#) ", Dec. 5, 1787

**UEN calls on the Iowa Legislature to give school districts needed flexibility:** Iowa school districts should be subject to Home Rule to promote flexibility and creative decision-making as opposed to the more restrictive Dillon's Rule interpretation of State authority.

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